

Message Text

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ACTION L-03

INFO OCT-01 EUR-12 IO-13 ISO-00 CAB-02 CIAE-00 COME-00
DODE-00 DOTE-00 EB-08 INR-10 NSAE-00 FAA-00 SS-15
NSC-05 /069 W
-----007820 220447Z /14

R 211015Z JUL 78
FM AMEMBASSY BERN
TO SECSTATE WASHDC 6616
INFO USMISSION GENEVA
AMEMBASSY PARIS
USMISSION USUN NEW YORK

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EO 11652: N/A
TAGS: EAIR, FR
SUBJ: CIVAIR: CHANGE OF GAUGE

REF: BERN 3512

1. SINCE FRENCH CHARGE ANXIOUS TO MAKE APPROACH IN ORDER
TO DEPART ON HOLIDAY, CHARGE JOINED HIM JULY 20 IN CALL ON
AMB GOTTRET, CHIEF OF PROTOCOL, TO DELIVER THE
FOLLOWING NOTE RELATIVE TO ARBITRATION:

BEGIN TEXT

THE EMBASSY OF THE UNITED STATES ... AND HAS THE
HONOR TO INFORM IT THAT ON JULY 11, 1978, AN ARBITRATION
AGREEMENT WAS CONCLUDED IN WASHINGTON BETWEEN THE
GOVT OF THE UNITED STATES OF AMERICA AND THE
FRENCH GOVT, SUBMITTED TO AN ARBITRAL TRIBUNAL A
DISAGREEMENT BETWEEN THE US AND FRANCE ABOUT
THE POSSIBILITY OF THE AIR CARRIER PANAM EFFECTUATING A
CHANGE OF GAUGE ON THE SAN FRANCISCO - PARIS ROUTE VIA
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LONDON.

THIS AGREEMENT MAKES PROVISION FOR THE ARBITRATION
TRIBUNAL, COMPOSED OF AN AMERICAN JUDGE, A FRENCH JUDGE
AND A PRESIDING JUDGE, TO ESTABLISH ITS SEAT IN GENEVA,
PROVIDING THE SWISS AUTHORITIES ARE IN AGREEMENT. THE
SCHEDULE ENVISAGED FOR THE PROCESS OF ARBITRATION FORE-

SEES THE DELIVERY OF THE MEMORIA TO THE ARBITRATION TRIBUNAL ON SEPT 18, 1978 AND THE PRONOUNCIATION OF JUDGMENT ON DEC 10, 1978 AT THE LATEST.

THE GOVT OF THE UNITED STATES OF AMERICA WOULD APPRECIATE KNOWING WHETHER THE FEDERAL AUTHORITIES WOULD BE DISPOSED TO RECEIVE THE SAID ARBITRATION TRIBUNAL IN SWITZERLAND, TO PROVIDE IT WITH FACILITIES AND A STATUTE, AND WITH PRIVILEGES AND IMMUNITIES ANALOGOUS TO THOSE WHICH WERE GRANTED ON JAN 14, 1977 TO THE ARBITRATION TRIBUNAL CHARGED WITH THE DELIMITATION OF THE CONTINENTAL SHELF BETWEEN FRANCE AND THE UNITED KINGDOM.

THE EMBASSY AVAILS ITSELF.... TO THE POLITICAL DEPARTMENT THE ASSURANCES OF ITS HIGHEST CONSIDERATION.
END TEXT

2. GOTTRET IMMEDIATELY RESPONDED THAT SWISS WOULD BE MOST PLEASED TO HAVE ARBITRATION TAKE PLACE IN GENEVA OR ANYWHERE IN SWITZERLAND. WHILE HE WOULD HAVE TO GO THROUGH THE MOTION OF CHECKING WITH OTHER OFFICES, WE COULD TAKE IT AS GRANTED THAT OFFICIAL SWISS AGREEMENT WAS ACCORDED AND THAT IMMUNITIES AND PRIVILEGES IDENTICAL TO THAT ACCORDED IN FRENCH-BRITISH ARBITRATION WOULD BE ACCORDED.

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3. WHILE OUR INSTRUCTIONS CONTAINS NOTHING CONCERNING FRENCH-BRITISH ARBITRATION, FRENCH INSTRUCTIONS DID AND WE PRESUME WASHINGTON WAS AWARE OF THIS ASPECT. IF DEPT DOES NOT HAVE TEXT OF SWISS AGREEMENT ON CONTINENTAL SHELF ARBITRATION, FRENCH EMBASSY ASSURES US THEY CAN PROVIDE A COPY. CROWLEY

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AIR ROUTES
Control Number: n/a
Copy: SINGLE
Draft Date: 21 jul 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978BERN03531
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780301-0584
Format: TEL
From: BERN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780735/aaaabdfv.tel
Line Count: 100
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: ecf7146f-c288-dd11-92da-001cc4696bcc
Office: ACTION L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 78 BERN 3512
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 05 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1930935
Secure: OPEN
Status: NATIVE
Subject: CIVAIR: CHANGE OF GAUGE
TAGS: EAIR, FR
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/ecf7146f-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014